

DEPARTMENT OF HOMELAND SECURITY

DATA PRIVACY AND INTEGRITY ADVISORY COMMITTEE CHARTER

1. **COMMITTEE'S OFFICIAL DESIGNATION.** Data Privacy and Integrity Advisory Committee.
2. **AUTHORITY.** Under the authority of Title 6, United States Code, section 451, this charter establishes the Data Privacy and Integrity Advisory Committee, which shall operate in accordance with the provisions of the Federal Advisory Committee Act (FACA) (Title 5, United States Code Annotated, Appendix 2).
3. **OBJECTIVES AND SCOPE OF ACTIVITIES.** The Committee will provide advice at the request of the Secretary of DHS (hereinafter "the Secretary") and the Chief Privacy Officer of DHS (hereinafter "the Chief Privacy Officer") on programmatic, policy, operational, administrative, and technological issues within the DHS that relate to personally identifiable information (PII), as well as data integrity and other privacy-related matters.

As requested by the Secretary or the Chief Privacy Officer, the committee shall:

- (A) Establish methods to enhance the accuracy, security, and confidentiality of PII;
- (B) Establish mechanisms, such as procedures for access and redress, to protect the personal privacy rights of any individuals who are subject to the collection of PII;
- (C) Limit the use and re-dissemination of PII to ensure that it is not used for an unauthorized purpose;
- (D) Ensure the security and confidentiality of PII;
- (E) Protect the constitutional and statutory rights of any individuals who are the subjects of the collection, use or dissemination of PII;
- (F) Provide data integrity through the establishment of appropriate lengths of data retention and the timely removal and destruction of obsolete or erroneous names and other PII;
- (G) Ensure that electronic data systems used by the Department enhance the Department's policies related to the collection, use, dissemination, or maintenance of PII; and
- (H) Monitor the use of data among DHS systems and other Federal, state and local systems.

The Committee will address only matters assigned in writing by the Secretary, the Chief Privacy Officer, or the Designated Federal Officer (DFO). In developing its advice and recommendations the Committee may, consistent with the requirements of FACA, conduct studies, inquiries, workshops and seminars in consultation with individuals and groups in the private sector and/or other governmental entities.

4. **DESCRIPTION OF DUTIES.** The duties of the Committee are solely advisory in nature.

5. **OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The Committee reports to the Secretary and the Chief Privacy Officer.

6. **AGENCY RESPONSIBLE FOR PROVIDING NECESSARY SUPPORT.** The Department of Homeland Security shall be responsible for providing necessary financial and administrative support for the Committee. Within the Department, the Privacy Office shall provide this support.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.** Operating costs shall be borne by the Privacy Office. The annual cost is estimated to be \$375,000 including 1.5 staff years of support.

8. **DESIGNATED FEDERAL OFFICER.** The Chief Privacy Officer shall designate a full-time or permanent part-time employee of the Department to be the Designated Federal Officer (DFO). The DFO or Alternate DFO shall approve or call meetings of the Committee, approve meeting agendas, attend all meetings of the Committee and its subcommittees, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Chief Privacy Officer.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.** The Committee shall meet at least once each calendar year. The DFO, in consultation with the Chief Privacy Officer, may call such additional meetings as may be necessary for the Committee to carry out its business effectively. Members may be reimbursed for travel and per diem, and all travel for Committee business must be approved in advance by the DFO. Timely notice of each meeting shall be published in the Federal Register and other means that may be established by the DFO or the Chief Privacy Officer. Meetings shall be open to the public, except when closed in accordance with Title 5, United States Code, subsection (c) of section 552b. Members of the public are permitted to file statements with the Committee.

10. **DURATION.** Continuing.

11. **TERMINATION; RENEWAL.** This Charter is in effect for two years from the date it is filed with Congress unless sooner terminated. The charter may be renewed at the end of the two-year period in accordance with section 14 of FACA.

12. **MEMBERSHIP.** The Committee shall consist of not less than 16 appointed members.

Members are appointed by and serve at the pleasure of the Secretary. Members shall be specially qualified to serve on the Committee by virtue of their education, training, and experience in the fields of data protection, privacy, and/or emerging technologies. Membership shall be balanced among individuals from the following fields:

- (A) Individuals who are currently working in the areas of higher education or research in public (except Federal) or not-for-profit institutions;
- (B) Individuals currently working in non-governmental industry or commercial interests, including at least one who shall be familiar with the data concerns of small to medium enterprises;
- (C) Other individuals, as determined appropriate by the Secretary;

Members shall serve as Special Government Employees (SGEs) as defined in Title 18 United States Code, section 202(a).

Members who are appointed after the filing date of this Charter shall have terms of up to three years, and approximately one-third of the members' terms will expire each year. In the event the Committee terminates, all members' terms also terminate. A vacancy in the Committee shall not affect its powers. A replacement member shall be selected in the same manner in which the original appointment was made. A member appointed to an unexpired term of office shall serve the remainder of such term.

The Secretary may require any individual to have an appropriate security clearance before appointment or designation to membership on the Committee.

13. **OFFICERS.** The Chief Privacy Officer shall annually designate a Chair and Vice Chair from among the appointed members of the Committee. The Chair is the presiding officer of the Committee, and guides its efforts to the effective completion of its assigned tasks. The Chair shall adhere to the Charter and such other rules of order and operating procedures as the Committee, in consultation with the DFO, may adopt. The Chair shall maintain order and conduct each meeting in accordance with the prescribed rules and procedures. The Vice Chair shall assume and perform the duties of the Chair in the event the Chair is absent or unavailable.

14. **SUBCOMMITTEES.** The DFO may approve the establishment of subcommittees for any purpose consistent with this charter. At least one member of any subcommittee shall be a member of the Committee. Subcommittees may not work independently of the chartered committee and must report their recommendations and advice to the DPIAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the DPIAC and may not report directly to the Federal government or any other entity.

15. **RECORDKEEPING.** The records of the DPIAC, formally and informally established subcommittees, or other subgroups of the Committee shall be handled in accordance with General Records Schedule 26, Item 2, or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the Freedom of information Act (Title 5, United States Code, section 552).

FILING DATE

April 28, 2010
Agency Approval Date

April 14, 2010
GSA Consultation Date

May 3, 2010
Date Filed with Congress